

The Honorable Jamal Whitehead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSHUA A. DIEMERT, an individual,

Plaintiff,

v.

THE CITY OF SEATTLE, a municipal
corporation,

Defendant.

No. 2:22-CV-1640

**STIPULATED MOTION AND ORDER
TO EXTEND ANSWER DEADLINE
AND CONTINUE TRIAL DATE AND
RELATED DEADLINES**

Noting Date: September 7, 2023

STIPULATED MOTION

Plaintiff Joshua A. Diemert (“Plaintiff”) and Defendant The City of Seattle (“Defendant”) jointly move the Court to amend the Order Setting Trial Date and Related Deadlines and Trial Date (Dkt. No. 25) and extend the trial date and related deadlines in this case. In support of this Stipulated Motion, the Parties state the following:

1. Plaintiff filed the Complaint in this matter on November 16, 2022. Dkt. 1. Plaintiff filed an Amended Complaint and served Defendant with same on January 19, 2023. Dkt. 10-11.

2. On March 10, 2023, Defendant moved for dismissal of Plaintiff’s claims pursuant to Federal Rule of Civil Procedure 12(b)(6). Dkt. 16. That motion was noted for April 7, 2023. While the motion was pending, the Parties refrained from actively litigating this matter, in the interest of efficiency.

3. On April 4, 2023, this matter was reassigned from Judge Lauren King to Judge

1 Jamal Whitehead.

2 4. On June 16, 2023, the Court entered the Order Setting Trial Date and Related
3 Deadlines, setting the trial for April 29, 2024 and setting interim case deadlines. Dkt. 25.

4 4. The Court issued an Order granting in part and denying in part Defendant's Motion
5 on August 28, 2023. Dkt. 28.

6 5. The Parties have conferred and hereby jointly request an extension of the trial date
7 by a period of four months, which is commensurate with the period of time during which the
8 Defendant's motion remained pending between its original noting date and the date of the Court's
9 order. The Parties also request that the other unexpired pretrial deadlines be extended consistent
10 with the extension of the trial date.

11 6. In addition, Defendant has requested to extend the September 11 deadline for
12 Defendant's Answer to the Complaint, triggered by the Court's August 28, 2023 Order, to
13 September 21, 2023, and Plaintiff has agreed.

14 7. For the foregoing reasons, the Parties jointly therefore respectfully request that the
15 Court modify the Case Scheduling Order and continue the trial date, pretrial deadlines, and Answer
16 deadline in this matter as follows, or to similar dates in accordance with the Court's availability:

| Event | Revised Date |
|---|--|
| Answer to Complaint | September 21, 2023 |
| Deadline for filing amended pleadings | February 2, 2024 |
| Disclosure of expert testimony under Fed. R. Civ. P. 26(a)(2) | February 2, 2024 |
| Disclosure of rebuttal expert testimony under Fed. R. Civ. P. 26(a)(2) | Within 30 days after the other party's expert disclosure |
| All motions related to discovery must be filed | March 1, 2024 |
| Discovery completed by | April 1, 2024 |
| All dispositive motions and motions challenging expert witness testimony must be filed by | May 2, 2024 |

| | |
|---|--------------------------|
| Settlement conference under LCR 39.1, if requested by the parties, held no later than | June 29, 2024 |
| All motions in limine must be filed by | July 22, 2024 |
| Deposition Designations must be submitted to the Court by | August 8, 2024 |
| Agreed pretrial order due | August 8, 2024 |
| Trial briefs, proposed voir dire questions, and proposed jury instructions must be filed by | August 15, 2024 |
| Pretrial conference | August 22, 2024 |
| Trial Date | September 3, 2024 |

The Parties suggest this proposed schedule, recognizing that availability on the Court's trial calendar may be limited. Should the above-proposed dates be inconvenient for the Court, the Parties respectfully request a similar extension of the deadlines in this case to dates that suit the Court's schedule and convenience.

STIPULATED this 7th day of September, 2023.

PACIFIC LEGAL FOUNDATION
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ORDER

The Parties jointly moved the Court for an extension of discovery and other deadlines.

The discovery deadlines are extended to the following dates:

| Event | Revised Date |
|---|--|
| Answer to Complaint | September 21, 2023 |
| Deadline for filing amended pleadings | February 12, 2024 |
| Disclosure of expert testimony under Fed. R. Civ. P. 26(a)(2) | February 12, 2024 |
| Disclosure of rebuttal expert testimony under Fed. R. Civ. P. 26(a)(2) | Within 30 days after the other party's expert disclosure |
| All motions related to discovery must be filed by (see LCR 7(d)) | March 13, 2024 |
| Discovery completed by | April 12, 2024 |
| All dispositive motions and motions challenging expert witness testimony must be filed by (see LCR 7(d)) | May 13, 2024 |
| Settlement conference under LCR 39.1, if requested by the parties, held no later than | July 11, 2024 |
| All motions in limine must be filed by (see LCR 7(d)) | July 31, 2024 |
| Deposition Designations must be submitted to the Court by (see LCR 32(e)) | August 19, 2024 |
| Agreed pretrial order due | August 19, 2024 |
| Trial briefs, proposed voir dire questions, and proposed jury instructions must be filed by | August 26, 2024 |
| Pretrial conference | September 3, 2024 |
| Trial Date | September 9, 2024 |

1 IT IS SO ORDERED.

2 Dated this 12th day of September, 2023.

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4 Jamal N. Whitehead
5 United States District Judge
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